IN THE
UNITED STATES
PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Leyden et al.

CASE: 43823.010007 APPEAL BRIEF

SERIAL NO.: 10/016,574

FILED ON: 12/07/2001

FOR: UNIVERSAL CAMERA MOUNT

ATTENTION OF:
EXAMINER:
Morrison, Naschica S.
Art Unit 3632

MAIL STOP – APPEAL BRIEFS PATENTS
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Dear Sir:

If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 502428.

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's final rejection of claims 1 – 20, which rejection was set forth in the final Office Action in the above-identified patent application, mailed September 16, 2004. A timely Notice of Appeal was filed, together with a three-month extension of time, on March 16, 2005.

This brief is being accompanied by the small entity appeal brief filing fee of $250.00

GREENBERG TRAURIG
CHICAGO IP OFFICE
77 WEST WACKER DRIVE
SUITE 2400
CHICAGO, IL 60601
(312) 456-8400

This Appeal Brief is being filed in triplicate.

I. Real Party in Interest

The real party in interest is Se-Kure Controls, Inc., of 3714 Runge Street, Franklin Park, IL 60131-1112.

II. Related Appeals and Interferences

No appeals or interferences are known which will directly affect or be directly affected by or have any bearing on the Board's decision in the presently pending appeal.

III. Status of the Claims

In the application, claims 1 – 20 (Appendix I hereto) remain pending and, having been finally rejected, are the subject of this appeal.

IV. Status of Amendments

The claims are in condition for appeal, no further amendments to the claims are pending.

V. Summary of the Invention

With reference to Figs. 1 – 4, and page 11, line 7 – page 13, line 23 of the application has filed, Applicant's invention is a universal mount assembly, configured for holding an anti-theft sensor against an article, such as a camera, so that the article may be displayed, such as in a retail setting, and picked up and handled by a customer, without having the security sensor become disconnected from the security system, to which the sensor is connected by a wire. To that end, Applicant's invention includes a mounting member having an upper surface, a lower surface, a plurality of mounting apertures for affixing the article to the mounting member, a dedicated sensor region for attachment of the anti-theft sensor; and an anti-theft sensor assembly affixed to the mounting member. The plurality of mounting apertures includes at least three

apertures, with at least one aperture not in linear alignment with the other two apertures.

VI. Issues to be Reviewed upon Appeal

A. Whether a rejection under 35 U.S.C. §103(a) can be maintained when the disclosures of the references (*Jackson*, US 6,123,306; *Burriss*, US 4,615,597; and *Goodman*, US 5,241,297) relied upon, are firstly inaccurate, and secondly, may not properly be combined, in the absence of any teaching or suggestion for their combination.

B. Whether a rejection under 35 U.S.C. §103(a) can be maintained when the references being relied upon (*Jackson*, US 6,123,306; *Burriss*, US 4,615,597; and *Goodman*, US 5,241,297), whether considered alone or in combination, fail to disclose, teach or suggest, either expressly or inherently, each and every element, considering each and every word, set forth in the claims.

VII. Grouping of Claims

Claims 1 – 20 stand or fall together.

VIII. Argument

A. Status of the Claims

In the application, claims 1 – 20 are presently pending. No claims presently stand allowed. The reconsideration of the rejection of the claims is, however, respectfully requested.

B. Summary of the Outstanding Rejections of the Claims

The pending claims were generally rejected under 35 U.S.C. §103(a) as being unpatentable over *Jackson*, US 6,123,306 in view of *Burriss*, US 4,615,597 and further in view of *Goodman*, US 5,241,297.

The Examiner asserted that the *Jackson* reference discloses, among other structural features, a mount assembly including a mounting member (55)..."operably configured to facilitate the *manual handling, inspection and demonstration of an*

article", an upper surface, a lower surface, and an aperture between the upper and lower surfaces. The Examiner admitted that *Jackson* did not teach having a plurality of apertures. See, p. 2, last paragraph, of the Office Action mailed 09/16/2004

The *Burriss* reference, according to the Examiner, disclosed, among other structural features, a mount assembly, including a mounting member having upper and lower surfaces, the upper surface having an article attachment region at A and C, as indicated in the marked-up copy of Fig. 2 of the *Burriss* reference which was provided by the Examiner in the Office Action of 05/14/03, Appendix II hereto, a centrally located sensor region B "distinct from the article attachment region" and also including isolated apertures/recessed areas (18) displaced and segregated from the article attachment region[s] (at A and C), with the apertures in the attachment regions including at least three apertures not in linear alignment.

The Examiner has asserted that purportedly "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mounting member (55) of Jackson to include a plurality of apertures A, B, C as taught by *Burriss* because one would have been motivated to permit selective positioning of the article on the mounting member as inherently taught by Burriss."

The Examiner has further asserted that *Jackson* in view of *Burriss* discloses a lock for preventing unauthorized removal of the mount assembly from a support, but admits that *Jackson* does not teach including an anti-theft sensor on the mounting member. See p. 4, first full paragraph of the Office Action of 09/16/2004. The Examiner further asserted that the *Goodman* reference teaches a mounting member (20) having an upper surface with an article attachment region and a sensor region. The Examiner then stated that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mount assembly of *Jackson* to further include an anti-theft sensor attached to a sensor region (B) of the mounting member (55) because one would have been motivated to provide a means for indicating the unauthorized removal of the article from the mounting member as taught by *Goodman*."

In addition to the foregoing general bases for rejection, the Examiner also relied upon two additional bases for rejection, against specific claims, not limited to the specific combination of the *Jackson*, *Burriss*, and *Goodman* references. Claims 4 – 6 and 14 – 16 were rejected upon one particular specified *modification* of the result of the combination of those references, according to unidentified prior art, while claims 8, 9, 11 and 17 were rejected upon *another* specified *modification* of the result of the combination of those references, again, according to unidentified prior art.

C. Applicable Case Law

In rejecting a claim under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *See, e.g., Ex parte Clapp*, 227 USPQ 972, 973 (B.P.A.I. 1985). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

It is respectfully submitted that a rejection under 35 U.S.C. § 103 requires that a combination of references disclose, either expressly or inherently, each and every element set forth in the claims, considering the claims "as a whole." The requirement that the claimed invention be considered "as a whole" is meant to prevent evaluation of an invention part by part, i.e., breaking an invention into its component parts and then merely finding a reference containing one part, another reference containing another part, etc., and to prevent the impermissible use of the specification of the applicant as a template to combine these parts for the purpose of deprecating the claimed invention. Thus, to assure that such "hindsight reasoning" is not used when assessing the patentability of a claimed invention, a rejection under 35 U.S.C. § 103 requires a demonstration that an artisan of ordinary skill in the art at the time of the invention,

with no knowledge of the claimed invention, would have selected the various parts from the references and combined them in the claimed manner. In other words, the test of whether it would have been obvious to select specific teachings and combine must still be met by identification of some suggestion, teaching, or motivation in the prior art, arising from what the prior art would have taught a person of ordinary skill in the field of the invention. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

D. Remarks Addressing the Outstanding Rejections

1. Even before addressing the Examiner's gross mischaracterization of what each of the *Jackson* and *Burris* references actually disclose, the cited references relied upon to reject applicant's claimed invention simply may not properly be combined in the manner asserted by the Examiner.

The *Jackson* reference discloses a device for mounting an ordinary amateur photo camera to a wheelchair, to facilitate the use of the camera, while mounted on the wheelchair, by a user of the wheelchair. The *Burriss* reference discloses a device, typically used by professional cinematographers, to mount a motion picture camera onto the exterior of a door of a car, for filming action taking place in the interior of the vehicle. The Examiner has asserted that "one would have been motivated to permit selective positioning of the article on the mounting member [of *Jackson*] as inherently taught by *Burriss*." Applicant submits that there is absolutely no motivation or need, whatsoever, for providing the already adjustable mounting "head" of *Jackson* (see the adjustment arrows of Fig. 1) with the kind of selective positionability purportedly taught by *Burriss* inasmuch as each of the embodiments of the apparatus of *Jackson* already are vertically and pivotably adjustable, as disclosed without the need for *Burris*. See, e.g., col. 4, ll. 12 – 21:

> The camera stand 10 further includes a height adjustment means, comprising a threadable clamp or locking ring 35 at the junction of the base section 30 and the top section 40. The height adjustment means is of the type well known in the art and operates similarly to the height adjustment means in a microphone stand, for example. When the threadable clamp 35 is unscrewed, the height of the stand 10 may be adjusted over a given range, preferably three inches, by moving the top section 40 up or down as desired and retightening the clamp 35.

See also, col. 4, ll. 47 – 51, which adds to height adjustment, the fact that "[t]he cylindrical base 102 allows the wheelchair occupant to rotate the camera platform 55 in front of the seat in order to use the camera, or to swing the camera stand to the side of the wheelchair when not in use." The height adjustment, the pivoting capability, the structure of hinge 104 (col. 4, ll. 51 – 54), and the inherent ability to pivot the cameral about the mounting screw on platform 55, all provide for a degree and ease of position selectivity, which is not only greater in scope, but also easier to use, than moving (by unbolting and then re-bolting) a camera from position to position amongst an array of attachment holes, as purportedly taught by *Burriss*.

Thus, not only is there no motivation whatsoever to modify *Jackson* according to the teachings of *Burriss*, but also to so modify *Jackson* would amount to providing a "solution" for a problem **not** previously found in *Jackson*, which is directed to merely providing assistance in the use of a camera, to one having a physical disability. Therefore, Jackson can be considered to actually teach against its modification to incorporate the array of holes shown in *Burriss*.

Furthermore, there is no motivation whatsoever, apart from the teachings found in Applicant's invention and the Examiner's hindsight, for combining either or both of the *Jackson* and *Burriss* references (which, themselves, as shown, may not be combined), with the sensor apparatus of *Goodman*. The Examiner, in the final office action, expressly admits that *Jackson* does not even suggest, much less disclose, providing an anti-theft sensor (p. 4, second paragraph of the 09/16/2004 Office Action). Instead, the Examiner relies upon *Goodman* to provide the motivation for modifying *Jackson*. However, *Goodman* is directed to the application of an anti-theft sensor in the environment of a retail establishment, art gallery or the like, wherein an article of value may be left unobserved by security personnel or others interested in the security of the article being sensed, for extended periods of time. However, in reference to the apparatus of the *Jackson* reference, as a practical matter, a person using a wheelchair is unlikely to leave a valuable article like a camera attached to the chair, when the user of the chair leaves it for any extended period of time, so there simply is no motivation

to modify the *Jackson* reference in such a manner. Indeed, the *Jackson* reference is clearly directed primarily to the security of the mounting arm itself (which can be padlocked), than of the camera, which can be removed simply by unscrewing it from platform 55, as is the case with any conventional camera mounting platform. Certainly, whereas the expressly claimed purpose of the present invention is to enable the facilitated, secured and monitored "essentially free" handling of an article in a retail environment, the *Jackson* reference cannot even remotely be deemed to suggest that a camera, fixedly mounted to a wheelchair, is a construction "operably configured to facilitate the manual handling, inspection and demonstration" of an article such as a camera, in, e.g., a retail environment.

In view of the foregoing considerations, Applicant submits that the Examiner's combination of references is improper, without proper motivation, and contrary to the teachings of the respective references.

2. The references simply do not disclose the structures/modes of operation that the Examiner has asserted they do, and thus, the Examiner has failed to present a *prima facie* case of obviousness.

The Examiner, in the office action at page 8, has dismissed as non-distinguishing, that portion of Applicant's amended claim 1 (or 11) which recites: "the mounting member being sized relative to the article being monitored, and operably configured to facilitate the manual handling, inspection and demonstration of the article", on the basis that the foregoing recitation does not include a structural limitation. Applicant respectfully submits that the structural limitations have everything to do with the size, configuration and "handle-ability" of the mounting member. In applicant's invention, when a camera is mounted on the mounting member, in normal use thereof, an individual may approach the camera, pick it up, turn it upside down even, and still the utility of the mounting member (to maintain the position of an anti-theft sensor against the camera or to cause an alarm to be created if separated from the camera) remains. In *Jackson*, when a camera is screwed onto the mounting platform, even if the arm 100 is not attached to stud 106, the apparatus of *Jackson* can hardly be said to "*facilitate* the manual handling, inspection and demonstration" of such

a camera attached thereto -- unless we are to believe that a wheelchair mount is being used for retail inspection by and demonstration to consumers, who will not be affected by the presence of the wheelchair being conspicuously in the way.

In addition, the Examiner's entirely arbitrary demarcation, in Fig. 2 of *Burriss*, of the platform 16 into three "sections" A – C, is entirely without support in that reference, and cannot be said to equate to the first and second aperture regions and sensor region of Applicant's independent claim 11, much less the "dedicated sensor region" and "article attachment region" of claims 1 and 11, as clearly meant in the context of the application. There is no teaching or suggestion whatsoever in *Burriss* that would indicate that anything, other than the film camera shown and described in that reference, would be attached to platform 16. Indeed, it is abundantly clear that the platform in *Burriss* is intended only for providing a plurality of optional mounting locations -- via an array of completely uniformly spaced apertures, for the camera which is intended to be mounted. To mount another object on platform 16 would only serve to limit the number of available mounting positions – directly contrary to the teachings of that reference.

Furthermore, none of the cited references, whether taken alone or in combination with one another, teaches or suggests the sensor region including "**an isolated aperture**, displaced and segregated from said plurality of apertures in said article attachment region, for enabling passage therethrough of a switch member" (emphasis added). Even adopting, for the sake of argument, the Examiner's entirely arbitrary, sectioning-off of the platform 16 in the *Burriss* reference, the portion which the Examiner now identifies as the sensor region, namely region B, has no less than five (5) apertures, aligned in a row, and equidistantly spaced on either side from regions A and C (as marked by the Examiner). This is hardly a showing of *an (i.e., one) isolated aperture, displaced and segregated from said plurality of apertures*. Furthermore, it may not be said, as the Examiner argues, that it would be obvious to further modify *Burriss*, to have only one opening in "region B", because (as mentioned hereinabove) that would amount to a frustration of the goals of *Burriss*, which is to provide a maximum number of openings for optimal placement options for the sole camera, on platform 16.

As has already been demonstrated, not only is there no motivation for combination of the *Jackson* and *Burriss* references, but also there are teachings against their combination. Furthermore, as indicated hereinabove, even if combined, which they may not be, the references fail to disclose each and every element of the claimed invention of independent claims 1 and 11. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a). *Ex parte Clapp*, 227 USPQ 972, 973 (B.P.A.I. 1985).

IX. Conclusion

It is respectfully submitted that the Examiner's bases for rejection of the claims (particularly independent claims 1 and 11) have been addressed and overcome; that the Examiner's proposed combination of references is inappropriate and may not serve as a basis for rejection of the claims; and that, when the claims are considered as a whole, the claims are not rendered obvious by the combination of references set forth in the final Office Action. It is further respectfully submitted that the application, including its claims, is in good and proper form for allowance. Such action by the Board is respectfully requested.

Should anything further be required, a telephone call to the undersigned at (312) 456-8400 is respectfully requested.

Respectfully submitted,

Dated: August 15, 2005

Richard D. Harris
One of Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that this APPEAL BRIEF is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 16, 2005.

Douglas B. Teaney

chi-fs1\438839v02

APPENDIX I

1. A universal mount assembly for operably connecting an anti-theft device in one of a plurality of orientations to an article being monitored, said article being monitored including a threaded mounting aperture, the universal mount assembly comprising:

a mounting member for bringing an anti-theft sensor assembly in operable contact with the article being monitored;

the mounting member including an upper surface describing an article attachment region, a lower surface, a plurality of apertures for enabling restrainable and adjustable affixation of the mounting member to the article being monitored at said article attachment region, and further including a dedicated sensor region distinct from said article attachment region for fixedly attaching an anti-theft sensor assembly to the mounting member to enable operable contact with the article being monitored;

the mounting member being sized relative to the article being monitored, and operably configured to facilitate the manual handling, inspection and demonstration of the article;

an anti-theft sensor assembly fixedly attached to the mounting member at the sensor region for contacting the article being monitored to, in turn, detect tampering with the article being so monitored;

said plurality of apertures in the mounting member further comprising at least three apertures with at least one of the at least three apertures not in linear alignment with at least two of the other at least three apertures, each of the at least three apertures being non-threaded;

the at least three apertures extending from the upper surface to the lower surface of the mounting member to permit a threaded portion of a first fastener to pass therethrough into the threaded mounting aperture of the article being monitored, for restrainable yet reorientable affixation of the mounting member and the anti-theft sensor assembly to the article being monitored;

said reorientable affixation extending into at least two substantially intersecting directions of movement to optimize the restrained positioning of said article being monitored along said mounting member for mounting said anti-theft sensor assembly, in at least one preferred attachment position;

said sensor region positioned on the mounting member in a position laterally displaced from, and independent from, said plurality of apertures used to secure the mounting member to the article being monitored, said sensor region including an isolated aperture, displaced and segregated from said plurality of apertures in said article attachment region, for enabling passage therethrough of a switch member.

2. The universal mount assembly according to claim 1 wherein the plurality of apertures in the mounting member includes a two dimensional array of at least two rows of apertures and at least two columns of apertures.

3. The universal mount assembly according to claim 1 wherein the mounting member is fixedly attachable to the article being monitored through said first fastener, said first fastener thereby securing the mounting member to the article being monitored by mated cooperation between said threaded mounting aperture provided in the article being monitored and said threaded portion of said first fastener.

4. The universal mount assembly according to claim 1 wherein a secondary fastening device is employed to secondarily fasten the mounting member to the article being monitored.

5. The universal mount assembly according to claim 4 wherein the secondary fastening device comprises a double-sided adhesive member for restrainable affixing of said mounting member to the article being monitored.

6. The universal mount assembly according to claim 5 wherein the secondary fastening device is made of a substantially resilient and flexible material.

7. The universal mount assembly according to claim 1 wherein the anti-theft sensor assembly comprises:

a housing having an interior region and an upper surface, the housing being configured to enable the anti-theft sensor assembly to be fixedly attached to the sensor region on the mounting member;

a switch member for contacting the article being monitored, the switch member being oriented substantially normal to an external surface on the article being monitored;

an electronic circuit board contained within the interior region of the housing, the electronic circuit board creating an electrical signal upon interruption of the operable contact between the switch member and the surface of the article being monitored;

a signal for indicating one of the presence and absence of operable monitored contact between the switch member and the surface of the article being monitored;

a signal transmission medium for transmitting the electrical signal to an alarm signaling device.

8. The universal mount assembly according to claim 7 wherein the anti-theft sensor assembly is fixedly attached to the sensor region on the mounting member using a double-sided adhesive member positioned between the anti-theft sensor housing and the mounting member.

9. The universal mount assembly according to claim 8 wherein said double-sided adhesive member is made of a substantially resilient and flexible material.

10. The universal mount assembly according to claim 7 wherein the switch member is biased into operable contact with the external surface of the article being monitored.

11. A universal mount assembly for operably connecting an anti-theft device in one of a plurality of orientations to an article being monitored, said article being monitored including a threaded mounting aperture, the universal mount assembly comprising:

a mounting member for bringing an anti-theft sensor assembly in operable contact with the article being monitored;

the mounting member including an upper surface describing an article attachment region, a lower surface, a first plurality of apertures and a second plurality of apertures for enabling restrainable and adjustable affixation of the mounting member to the article being monitored at said article attachment region, and further including a dedicated sensor region distinct from said article attachment region with a first threaded aperture for fixedly attaching an anti-theft sensor assembly to the mounting member to enable operable contact with the article being monitored;

the mounting member being sized relative to the article being monitored, and operably configured to facilitate the manual handling, inspection and demonstration of the article;

an anti-theft sensor assembly fixedly attached to the mounting member at the sensor region for contacting the article being monitored to, in turn, detect tampering with the article being so monitored;

said first plurality of apertures being arranged in a first aperture region and said second plurality of apertures being arranged in a second aperture region;

said first aperture region being located adjacent to the sensor region on one side thereof, said second aperture region being located adjacent to the sensor region on the other side thereof, said first aperture region being arranged substantially opposite to the second aperture region along said mounting member;

said first plurality of apertures in the mounting member further comprising at least three first apertures with at least one of the at least three first apertures not in linear alignment with at least two of the other at least three first apertures, each of the at least three first apertures being non-threaded;

said second plurality of apertures in the mounting member further comprising at least three second apertures with at least one of the at least three second apertures not in linear alignment with at least two of the other at least three second apertures, said at least three second apertures being non-threaded;

the at least three first apertures extending from the upper surface to the lower surface of the mounting member to permit a threaded portion of a first fastener to pass therethrough into the threaded mounting aperture of the article being monitored, for restrainable yet reorientable affixation of the mounting member and the anti-theft sensor assembly to the article being monitored via said threaded mounting aperture;

the at least three second apertures extending from the upper surface to the lower surface of the mounting member to permit a threaded portion of a first fastener to pass therethrough, for restrainable yet reorientable affixation of the mounting member and the anti-theft sensor assembly to the article being monitored via said threaded mounting aperture;

said reorientable affixation extending into at least two substantially intersecting directions of movement amongst each of said first and second aperture regions to optimize the restrained positioning of said article along said mounting member for monitoring by said anti-theft sensor, in at least one preferred attachment position in at least one of said first and second aperture regions;

said sensor region positioned on the mounting member in a position laterally displaced from, and independent from, said plurality of apertures used to secure the mounting member to the article being monitored, said sensor region including an isolated aperture, displaced and segregated from said plurality of apertures in said article attachment region, for enabling passage therethrough of a switch member.

12. The universal mount assembly according to claim 11 wherein the first plurality of apertures and the second plurality of apertures on the mounting member each includes a two dimensional array of at least two rows of apertures and at least two columns of apertures.

13. The universal mount assembly according to claim 11 wherein the mounting member is fixedly attachable to the article being monitored through said second fastener, said second fastener thereby securing the mounting member to the article being monitored by mated cooperation between said threaded mounting aperture provided in the article being monitored and said threaded portion of said first fastener.

14. The universal mount assembly according to claim 11 wherein a secondary fastening device is employed to secondarily fasten the mounting member to the article being monitored.

15. The universal mount assembly according to claim 14 wherein the secondary fastening device comprises a double-sided adhesive member.

16. The universal mount assembly according to claim 14 wherein the secondary fastening device is made of a substantially resilient and flexible material.

17. The universal mount assembly according to claim 11 wherein the anti-theft sensor assembly is comprised of:

a switch member usable for contacting with the article being monitored, the switch member being oriented substantially normal to an external surface on the article being monitored;

an electronic circuit board creating an electrical signal upon interruption of the operable contact between the switch member and the surface of the article being monitored;

a signal for indicating the presence and absence of operable monitored contact between the switch member and the surface of the article being monitored;

a signal transmission medium for transmitting the electrical signal to an alarm signaling device;

a third fastener having a threaded shank, the shank being adapted to mate with the at least one aperture in the mounting member.

18. The universal mount assembly according to claim 17 wherein the switch member is biased into operable contact with the external surface of the article being monitored.

19. The universal mount assembly according to claim 1, wherein the sensor region includes a recessed area for receiving the anti-theft sensor assembly.

20. The universal mount assembly according to claim 11, wherein the sensor region includes a recessed area for receiving the anti-theft sensor assembly.

IV - RELATED PROCEEDINGS APPENDIX

There are no related proceedings.